IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 13TH JULY 2006 / 22ND ASHADHA,1928

Bail Appl..No. 3729 of 2006

CMP.2330/2006 of J.M.F.C.-II,PATHANAMTHITTA
(CRIME NO.174/2006 OF KOIPURAM POLICE STATION)

.....

PETITIONER

ANIL KUMAR, AGED 30 YEARS,
S/O.THANGAN, RESIDING AT POTTUKULATHU CHIRAYIL,
KOIPURAM, KADAPRA P.O., KUMBANAD,
PATHANAMTHITTA.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3729/2006

DATED THIS THE 13TH DAY OF JULY, 2006

O R D E R

The petitioner is the first accused in crime No.174/2006 of Koipuram Police Station. The offence alleged against him and others are under Sections 294(b), 323, 324 and 452 IPC read with Section 34 IPC. The allegation against the accused is that they had, in furtherance of their common intention, trespassed into the courtyard of the defacto complainant with a knife, slapped him on his face and inflicted stab injury on the hand of the complainant ,on 7.6.2006.

2. I heard both sides. The prosecution placed before me the fact that the petitioner is the accused in number of other cases, including an offence under Section 302 IPC. The motive for inflicting the defacto complainant was the demand of money and refusal of the complainant, to pay the same. The prosecution also submits that the petitioner, if released, would cause threat

to others and therefore, opposed the petition.

3. The petitioner was arrested on 14.6.2006 and remanded to judicial custody. It is brought to my notice that the petitioner was released on bail in all other cases. After appreciating the materials on record, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Pathanamthitta.

(b). The petitioner shall not threaten the witnesses in any case, in which he is involved, or he shall not do any criminal act, so as to bring any criminal action against him, during the period of bail, in this case, and if any such complaint is received by the investigating officer, who, on investigation, finds that the complaint is true, shall immediately place the file before the Judicial Magistrate of First

Class-II, Pathanamthitta, in which event, the learned Magistrate shall pass appropriate orders, on the facts of the case so reported.

(c). The petitioner shall report before the investigating officer, once in a week, on every Wednesday, between 10.00 a.m and 11.00 a.m., starting from 19.7.2006, till the final trial and disposal of the case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs